



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,411	08/25/2003	Michel K. Bowman-Amuah	60021-376302	2655
29838 7590 01/24/2008 OPPENHEIMER WOLFF & DONNELLY, LLP PLAZA VII, SUITE 3300 45 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-1609			EXAMINER ALVAREZ, RAQUEL	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/647,411	Applicant(s) BOWMAN-AMUAH, MICHEL K.	
	Examiner Raquel Alvarez	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-20 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-20 and 22-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 10/30/2007.
2. Claims 1, 6, 8, 15, 22, 29 have been amended. Claims 32 and 33 have been added. Claims 1-6, 8-20 and 22-33 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-20 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby (6,647,257 hereinafter Owensby) in view of Official Notice.

With respect to claims 1, 4-6, 8, 10-15, 18-20, 22, 24-28 Owensby teaches a method for context-sensitive advertising (Abstract). Receiving a signal from a mobile wireless device (col. 12, lines 4-24); identifying an identifier associated with the mobile wireless device; ascertaining a state of the mobile wireless device (i.e. identifying the mobile ID and verifying the direct call signal communication with the mobile device)(col. 12, lines 4-37 and col. 15, lines 32-67); determining a location of the mobile device (col. 12, lines 38-60); updating the identifier, state, and location in a profile database utilizing a context engine (col. 12, lines 38-60); associating the location of the mobile wireless device and a landmark in the profile database; selecting advertisements from the advertisements database based on the identifier, state, location, and landmark of the

Art Unit: 3622

mobile device utilizing the context engine; and transmitting the advertisements to the mobile wireless device (col. 14, lines 63 to col. 15, lines 1-31 and col. 16, lines 3-21).

With respect to continuously updating a user profile based on access to advertisements and device access of network sites indicative of user preferences. Owensby teaches on col. 5, lines 46-67, continuously updating the user's profile based on the information received by the user on the advertisements and on col. 2, lines 47-54 providing future access to global computer networks.

Owensby is silent as far as updating the user's profile based on device access of network sites indicative of user preferences. Official notice is taken that it is old and well known in the advertisements related arts to provide access to sites based on user's preferences and to monitor how and by what means the information is being accessed by the user. For example, based on sites previously visited by a user and how the user was linked or went to the particular site is monitored in order to customize additional information, access to the information presented or sites that might be of interest to the user. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included access to the ads and device access of network sites indicative of user preferences in order to obtain the above mentioned advantage.

With respect to claims 2-3, 16-17 Owensby further teaches that the wireless device is a cellular phone utilizing cellular technology (see Figure 1).

With respect to claims 9 and 23, Owensby further teaches that the state includes at least one of ON state (i.e. the state of the mobile device is verified by the direct call

Art Unit: 3622

signal communication with the device, therefore the state of the mobile device has to be On in order to signal direct communication with the device (col. 12, lines 4-37).

5. Claim 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby further in view of Bergqvist (7,154,056 hereinafter Bergqvist).

Claims 29-33 further recite the use of a user-selected location alias selected from a user from plurality of available aliases. Bergqvist teaches the user selecting from a plurality of aliases such as **private person, employee of a company**, etc. based on the users characteristics or profile (col. 4, lines 10-18 and 44-52). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the identifier includes an alias selected from a user from plurality of available aliases and wherein the user profile is unique to the selected profile because such a modification would provide a **convenient way of providing....selected personal data relating to the role of the user** (in Bergqvist, col. 4, lines 14-18).

Response to Arguments

6. Applicant argues that Owensby doesn't teach updating a location-unique user profile. The Examiner disagrees with Applicant because Owensby clearly teaches on col. 5, lines 46-67, updating the user's location and the user's preferences within that location. For example, based on the location of the subscriber. E.g. restaurant area, and the types of food that the user typically prefers while visiting such an area the

Art Unit: 3622

system will output a **“targeted advertisement for a restaurant in the area that serves a type of food preferred by the subscriber”** and the **“The Historical Response Data is acquired and updated continuously as the wireless communications service is utilized by the subscriber to determine the most recent responses to the targeted messages previously provided to the subscriber and the historical movement patterns of the subscriber”** As can be seen by Owensby, the user location preferences are updated and store in order to anticipate of messages that the subscriber is likely to respond positively in that particular **area** in the future based on subscriber's previous responses to similar messages.

7. The Official Notice taken was merely to show updating users preferences based on network sites visited by the user was well known and the combination of Owensby and the Official Notice teaches user unique location preferences based on access to previous ads as taught by Owensby and user preferences based on user network sites preferences as taught by the Official Notice. Therefore it would have been obvious to have combined Owensby user location preference with network sites preferred by the users in order to allow the user to receive network sites that are location dependent. The Examiner wants to point out that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references as taught above. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to claims 29, 31, 32 and 33, Applicant argues that Owensby in combination with Bergqvist do not teach the user selecting from a location alias. The Examiner

Art Unit: 3622

wants to point out that Owensby was cited for teaching the user receiving location based advertisements based on user's location preferences (**targeted advertisement for a restaurant in the area that serves a type of food preferred by the subscriber**)(col. 5, lines 46-67) and Bergqvist was merely citing for allowing the user to select from a plurality of alias. In Bergqvist, the user selects the particular alias to which he or she wishes to receive targeted information. Therefore the combination of Owensby and Bergqvist teaches the user receiving location specific information (Owensby) based on the alias selected by the user (Bergqvist). The Examiner wants to point out that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references as taught above. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

8. In response to applicant's argument that Bergqvist is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Bergqvist pertains to the particular problem for which the present invention is concerned which is receiving targeted or focused information based on user's characteristics or profile such as a user's selected alias (col. 4, lines 10-18 and 44-52) so therefore Bergqvist is analogous art for solving the particular problem as the present invention.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

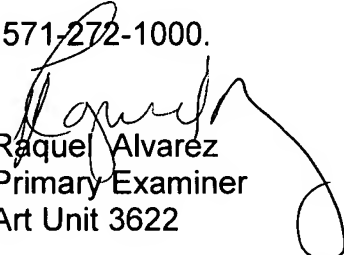
Point of contact

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
1/10/2008